

REMARKS:

Drawings

The drawings will be corrected as required by this Office Action.

Claims

In general, the Applicant believes the differences between claims as now amended and the prior art are in condition for allowance. The amended claims now differentiate the Applicant's invention by distinguishing the salient features of the apparatus for holding a gun or a bow on an ATV.

Claims 3-4 and 6-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant believes that the specification points out the differences, as described on page 4, line 23 of the specification, "Variations in the shape of the cross section or the pad material is not a limitation on the invention. In addition to the shape and padding a strap, not shown, may secure the gun or bow within the mount" Variations in shape would allow a gun mount to have a cross section for holding a gun and a bow mount would have a cross section for holding a bow. The shape variations contained in the specification indicate differences (variations in shape) are required for different pieces of hunting equipment such as a gun or a bow. Further the specifications indicate there are variations in padding and a strap that may be used to hold hunting equipment in place, whether a gun or a bow or other piece of hunting equipment.

Consider claim 8-11, rejected under 35 U.S.C. 102 (b) as being anticipated by Del Pesco (US 3,428,286). Claim 11 and claim 8 with dependent claims 9 and 10 have been amended to distinguish Applicant's claimed invention from the cited prior art.

The Applicant has reviewed the specification of Del Pesco and none of the shaft members (18) has a ball and coupling nut on each end. Further the mount (62) of Del Pesco is not a U-shaped mount, but a holder for containing a magnifying glass. Because Del Pesco does not teach, suggest or disclose the use of a nut, ball and threaded shaft as a pivoting joint Del Pesco does not anticipate claims 8 and 11. In addition, the mount of Del Pesco is for holding a magnifying glass (which is his sole teaching) though he mentions "article holder". There is no suggestion or disclosure to indicate that his adjustable article holder would have a U-shaped mount for holding hunting equipment – so there can be no anticipation by Del Pesco. None of the clamps of Pesco have a threaded shaft for coupling to the mounting shaft with a nut as in claim 8 and 11 of the present invention. Because all three elements of claims 8-11 are not anticipated by Del Pesco, the Applicant, in the amended claims has overcome the 35 U.S.C. 102 (b) rejection.

The inventor does not believe the combination of Del Pesco, Thaxton (US 6,286,797) and Chen (US 5,360,018) are sufficient to make claims 8-11 obvious. As discussed above Del Pasco does not suggest or disclose any of the elements of the claims. Although Thaxton does have an adjustable mount, the mount of Thaxton is for holding flashlights and yard appliances. He does not suggest or disclose that his mount could be used for holding hunting equipment. Thaxton does not reveal, suggest or disclose a mounting shaft having a ball and nut on each end, nor does Chen discuss or disclose such a mounting shaft. The Applicant agrees with the Examiner that the pivoting or swiveling coupling of Chen is an improvement over the Del Pasco or Thaxton couplings. However, it is important to note that Chen's coupling is designed to be tightened by hand as indicated by the gripping surface shown in FIG. 1. The use of a nut and ball is

an important feature of the claimed invention. Because of the conditions encountered by hunters (page 1, lines 22-27) on ATV's the hand tightened coupling of Chen would not have the structural integrity of the coupling provided by the nut and ball connection. Further, Chen does not suggest or disclose a U-shaped mount nor a clamp suitable for coupling to an extension kit of an ATV. Because neither Del Pesco, Thaxton, or Chen suggest or disclose all the elements of the claimed invention (8-11) a 35 U.S.C. 103 (a) rejection is not appropriate. Hence claims 8 -11 are in condition for allowance.

The Applicant believes that the incentive to combine the teachings of the references for a 35 U.S.C. 103 (a) rejection is not readily apparent and does not believe the combination of the three cited references is proper. Del Pesco teaches and discloses an apparatus for holding a magnifying glass. Thaxton disclosures and teaches a clamp for holding a flashlight, and Chen an adjustable stand for holding a protective shield. The cited prior art references do not reveal, suggest or disclose separately or in combination an adjustable apparatus for holding hunting equipment in close proximity to an ATV that has the structure and elements of the claimed invention.

Claims 1-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Thaxton (US 6,286,797) in view of Del Pesco (US 3,428,286) and Chen (US 5,360,018). The reasons discussed above apply to each of the independent claims 1 and 5 and for their corresponding dependent claims 2-4 and 6-7.

The other prior art of record, item 10 of the Office Action, teaches the use of various clamps and mountings. Several of the gun mounts are supports for holding a rifle steady when aiming the rifle. Other mounts are nonadjustable mounts for carrying hunting equipment. The Applicant does not believe these other cited reference anticipate or disclose in combination claims 1-11 of the present invention.

A period has been added to claims 6-7 to overcome the informality objection.

All claims as amended distinguish the present invention from cited prior art and have traversed the U.S.C. 35 102(b) and 103(a) rejections. As a result, the Applicants now respectfully requests that the Examiner give consideration to their application.

Respectfully Submitted,
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